

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

THERESA DUFFEY,  
individually, and on behalf  
of all others similarly  
situated,

Plaintiff,

v.

Case No: 2:20-cv-501-JES-MRM

SURFSIDE COFFEE COMPANY,  
LLC, a foreign limited  
liability company and  
CHRISTOPHER MELLGREN,  
individually,

Defendants.

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**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #35), filed July 6, 2021, recommending that the parties' Joint Motion for Judicial Approval of the Parties' Settlement Agreement, and for Dismissal With Prejudice (Doc. #34) be denied without prejudice. No objections have been filed and the time to do so has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). In the absence of specific objections, there is no requirement that a district judge review

factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge.

Accordingly, it is now

**ORDERED:**


1. The Report and Recommendation (Doc. #35) is hereby **adopted** and the findings incorporated herein.

2. The parties' Joint Motion for Judicial Approval of the Parties' Settlement Agreement, and for Dismissal With Prejudice (Doc. #34) is **DENIED** without prejudice to electing one of the following options **on or before August 30, 2021:**

A. File an amended joint motion to approve a settlement agreement that adequately addresses the issues identified in the Report and Recommendation and file a fully executed settlement agreement that is binding on relevant parties if approved by the Court; or

B. File a notice of their intent to litigate this action so that this case may be reset for a Preliminary Pretrial Conference.

**DONE and ORDERED** at Fort Myers, Florida, this 23rd day of July 2021.

  
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JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

Copies:  
Hon. Mac R. McCoy  
United States Magistrate Judge

Counsel of Record  
Unrepresented parties